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IN TH

SUPREME COURT OF THE UNITED STATES

No. [redacted] 97

GLENN H. ROGERS

Petitioner

IN THE MATTER OF A COMPLAINT AND ACCUSATION AGAINST A MEMBER OF THE STATE BAR OF CALIFORNIA

PETITION FOR WRIT OF CERTIORARI

GLENN H. ROGERS
1019 Vallejo Street
San Francisco,
California, 94133

PROPRIA PERSONA

COPY 11

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HONORABLE EARL WARREN, CHIEF JUSTICE AND ASSOCIATE JUSTICES:

I, the petitioner, Glenn H. Rogers respectfully prays that a writ of certiorari be issued to review the decisions of the State Bar of California and the Supreme Court of the State of California in their successive dismissals and denials entered in the above entitled complaint and accusation as follows:

(a) By letter of December 13, 1961 to the petitioner, Asst. Secty. of the State Bar, Harold Q. Noack, Jr. stated "it has been concluded that there are not sufficient facts in connection therewith to warrant any further action by the State Bar."

(b) By letter of April 9, 1962 to the petitioner, Administrative Asst. of the State Bar, Karl E. Zellmann,

conveyed the following resolution of the Board of Governors of the State Bar made at its March 1962 meeting, "RESOLVED that the request of the complaining witness for further proceedings in the above entitled matter hereby is denied."

(c) " S.F. No. 21542

IN THE SUPREME COURT OF THE STATE OF CALIFORNIA

IN BANK

In the matter of an accusation by Glenn Rogers against a Member of the State Bar of California

Accusation DISMISSED

sgd. Gibson
Chief Justice

Filed Jan 22, 1964
by William I. Sullivan, Clerk "

(d) By postal card dated Feb. 19, 1964, William I. Sullivan, Esq., Clerk of the Supreme Court of the State of California advised the petitioner "Dear Sir: I have this day filed Order REHEARING DENIED In re: S.F. No. 21542."

JURISDICTION

The statutory provisions believed to confer jurisdiction upon this Court to review the decisions in question by writ of certiorari is Title 28, Section 1651(a) of the United State Code.

STATEMENT

My complaint was initially placed by my letter of August 31, 1961 to

Mr. Harold Q. Noack, Jr., Assistant Secretary of the State Bar of California. I thereby requested an investigation of the conduct of Mr. Suren Toomajian, Attorney at Law, by which he deprived my son and daughter of their rights and liberty of communication and access to their parents and themselves. This deprivation, I consider, was invoked by Mr. Toomajian without due process of law, a violation of one of the specific provisions of the Bill of Rights of our Nation's Constitution.

I will repeat from the testimony taken under oath on July 22, 1961, that revealed for the first time the secret directing advice of Mr. Toomajian to the children's Mother that caused the deprivation and took affect nine months earlier on October 19, 1960. This testimony is contained in the deposition of the children's Mother taken on July 22, 1961 by Mr. Walton M. Phillips, Attorney at Law and is as follows:

----Starting on page 20 of the deposition, line 26 through line 16 on page 21----

Question by Mr. Phillips to the children's Mother (THE WITNESS)

"Q. Why didn't you want your son to know where you lived?

MR. TOOMAJIAN: Object to it as incompetent, irrelevant and immaterial -- go ahead and answer it.

THE WITNESS: Yes, certainly will. When I left my children they were well provided for; my daughter was in San Jose State and living in a good apartment with two good friends who we all knew. Don

was going to San Francisco City College and was living in a very good home with a nice woman and another student, and I had seen that he was -- had checked his residence and all, and knew he was in good hands.

When this terrific situation which had been going on for many, many years came to the breaking point I couldn't take it any longer, I came to Suren, I asked him for information for what I should do and what was the thing to do; on his advice he told me to take Mary and leave. And it took a great deal of courage to leave my home and everything."

----On page 22 lines 11 and 12, Questioning again by Mr. Phillips of the Witness----

"Q. Well, why don't you -- why didn't you want your son to know where you Lived?"

----After a digression from the question by the Witness in lines following, Mr. Suren Toomajian answers the question on behalf of the Witness in lines 9, 10 and 11 on page 24.

"Mr. TOOMAJIAN: All right. He wants to know why you didn't tell Don your address. You didn't do it because I told you to, that's what the answer is now."

First I wish to point out that on October 19, 1960 neither our son Don nor I knew of the existence of Mr. Suren Toomajian, Attorney at Law. Yet on that date, as the above testimony shows, Mr. Toomajian brought a sentence of punishment upon us that he decreed for us in our absence and the secrecy of his office. What Mr. Toomajian considered

and attributed to our Son and myself in serious misdemeanors or crimes against society to warrant such a severe punishment - his direction that physically dismembered our home without due process of law - are still unanswered by him.

Not knowing that Mr. Toomajian was the real force against our son Don and myself on October 19, 1960, I turned in error to our family doctor and physician, of over 13 years, who immediately, because of the emergency nature of the precipitous break in the family, arranged an appointment for me with one of the community's finest psychiatrists (M.D.). This psychiatrist broke another appointment in order to see me. The medical help which both these doctors afforded the children's Mother was thwarted, because, like myself, they were without the knowledge that Mr. Toomajian, a man with professional standing, was the force that directed the secluded living into which the children's Mother had gone taking our younger daugher, as advised, with her. These Doctors in the light of the intimate knowledge the family Doctor had about each member of our family, over a long continuous period of years, considered the secluded living of the Mother abnormal.

On April 14, 1961, the first day that Mr. Toomajian met our son Don, almost six months after his secret direction that deprived the youth of his rights of normal visitation and communication with his Mother and Sister, Mr. Toomajian made

a detestable strike in person at Don. Mr. Toomajian's uncouth conduct in his unleashed wrath of words and gestures at the youth, was a stage act by this seasoned attorney, as it had no provoking basis. This incident I feel had an immediate crippling affect upon the emotions of the youth, the damage and scars from which, I fear, he will have to carry the rest of his life.

I wish to also bring to your attention that due to the long period of seven months of deprivation, imposed upon Don by Mr. Toomajian, the youth's strong emotional ties to each member of his family were cut deeply and he therefore found it impossible to continue successfully his college level studies that he had just started when the break came. He therefore dropped from college during the siege ard has never returned. Because of like affects, our older daughter did not find it possible to complete her final college year.

I presented to the State Bar of California and in turn to the Supreme Court of the State of California a series of additional acts of considered unethical conduct by Mr. Toomajian as he opposed me to bring about a divorce (not wanted by me) for the children's Mother, his client. These acts started with his surprise telephone call on December 10, 1960, approximately five (5) minutes after I was in consultation with my selected attorney to obtain my first legal counsel to help me with the very serious family break. These additional acts along with references to the specific Canons of Professional Ethics of the American Bar

Association considered to have been violated, are contained in the certified true and correct copy of the record of the file in the Supreme Court of the State of California, that I am transmitting with this petition. I will not comment further on these violations, also very serious, because Mr. Toomajian's initial act that deprived our children of their rights and liberty presented in the previous paragraphs is so overshadowing.

CONCLUSION

In concluding I can only respectfully ask that the facts I present be thoroughly investigated and corrections made on the basis of the full truth that will prevent future occurrences of like conduct that has been grossly unfair and damaging to children, our Nation's most valuable resource, because they were deprived of their family rights and liberty without due process of law and medical help was made ineffective by the breakdown in the basic ethical standards common to our respected professions.

I consider by making this petition I am fulfilling responsibility inherent with the privilege I have of being a United States citizen, in not letting this matter pass without having expended every effort to obtain correction.

Being the petitioner I pray that my Writ of Certiorari be granted.

Respectfully submitted,

Glenn H. Rogers

Glenn H. Rogers
Petitioner

May 14, 1964

State of California

Glenn H. Rogers, being first duly sworn deposes and states that he prepared the foregoing petition for writ of certiorari and as the affiant, the same is true of his own knowledge, save and except for the parts therein stated on information and belief, and that as to those parts affiant believes them to be true.

Glenn H. Rogers

Subscribed and sworn to before me this 14th Day of May 1964.

Subscribed and sworn to before me this
14th day of May 19 64
Evelyn M. Beasley Notary Public
State of California - Principal Office, San Mateo County

EVELYN M. BEASLEY
My Commission Expires Oct. 20, 1967